

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Gayle Theodore

v.

Civil No. 10-cv-269-JL

Symphony Diagnostic Services No. 1, Inc.

ORDER

Re: Document No. 7, Motion to Dismiss Plaintiff's Complaint

Ruling: Granted in part and denied in part as stated on the record during today's hearing. To the extent that plaintiff's breach of contract claim is based on the defendant's employment policy, which expressly disclaimed contractual liability, it is dismissed. See, e.g., Butler v. Walker Power, Inc., 137 N.H. 432, 436-37 (1993). The plaintiff's other claims for wrongful termination and breach of an alleged oral contract, though tenuous, may proceed to discovery. This ruling is without prejudice to revisiting those claims at the summary judgment stage, on a more developed record.

/s/ Joseph N. Laplante
Joseph N. Laplante
U.S. District Judge

Date: November 10, 2010

cc: Leslie Johnson, Esq.
Betina Miranda, Esq.
Larry Besnoff, Esq.
Daniel Will, Esq.